

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:11-CV-00350**

<b>DEBORRAH CONTEH,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
	)	
<b>FAYE GRIGGS, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the Court upon Plaintiff's motion requesting a "default of summons," (Doc. No. 5) which the court construes as a Motion for Entry of Default.

Plaintiff served The U.S. Attorney General and the U.S. Postmaster General by certified mail on October 6, 2011. (See Doc. No. 4.) A timely answer was not filed and therefore Plaintiff now seeks entry of default.

However, serving the United States is subject to the special provisions of Fed. R. Civ. P. 4(i). While Plaintiff properly served the Attorney General of the United States pursuant to Fed. R. Civ. P. 4(i)(1)(B), Plaintiff is also required to "deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office." Fed. R. Civ. P. 4(i)(1)(A). There is no evidence in the record that Plaintiff complied with Fed. R. Civ. P. 4(i)(1)(A) by serving the U.S. Attorney's Office in the Western District of North Carolina.

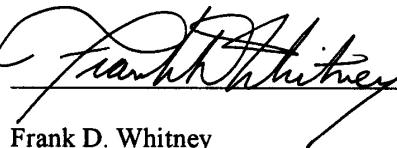
Furthermore, it is unclear whether the individuals named in Plaintiff's complaint are being

sued in their individual capacity. If they are, Fed. R. Civ. P. 4(i)(3) requires the Plaintiff to also serve the officer or employee being sued in their individual capacity by the procedures outlined in Fed. R. Civ. P. 4.

Therefore, the Court GRANTS LEAVE to Plaintiff to cure Plaintiff's failure to properly serve the United States and potential individual defendants. Plaintiff shall have sixty (60) days from the issuance of this order to properly serve the United States and all parties.

IT IS SO ORDERED.

Signed: March 14, 2012



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Frank D. Whitney  
United States District Judge

